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Attorney for Plaintiff
Jakill Young

JAKILL YOUNG, **Plaintiff,** **v.** **CITY OF NEWARK, NEWARK POLICE DEPARTMENT, SERGEANT RAMSEY (FNU), (individually and in his official capacity), Tyrone Johnson, Ms. Johnson (FNU), JOHN DOES 1 through 10, JANE DOES 1 through 10, and ABC Corp. through XYZ, individually, jointly and severally,** **Defendants.**	**UNITED STATES DISTRICT COURT** **DISTRICT OF NEW JERSEY** **CIVIL ACTION NO.:** **COMPLAINT AND DEMAND FOR JURY TRIAL**

JAKILL YOUNG is a citizen of the State of New Jersey and residing at 22 Ferdinand Street, City of Newark, State of New Jersey, County of Essex, by way of complaint against the defendants hereby says:

I. JURISDICTION AND VENUE

1. Jurisdiction of this court is evoked pursuant to 28 U.S.C. § 1331 in as much as this matter involves causes of action arising under 42 U.S.C. §§ 1983 and the Fourth, Fifth and Fourteenth Amendment to the United States Constitution.

2. Jurisdiction of this court is evoked pursuant to 28 U.S.C. 1343 in as much as this matter involves causes of

action seeking redress for the deprivation under color of state law of rights existing under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983.

3. The jurisdiction of the claims based on New Jersey law which are set forth in this complaint is invoked pursuant to pendant jurisdiction of this Court.

II. PARTIES TO THE ACTION

4. Plaintiff Jakill Young, at all times relevant resided at 22 Ferdinand Street, Newark, New Jersey.

5. Upon information and belief, defendant City of Newark is a municipal corporation in Essex County, New Jersey organized under the laws of the State of New Jersey whose principal place of business is 22 Franklin Street, Newark, New Jersey 07103.

6. Defendant Sergeant Ramsey, at all times relevant, was employed by the City of Newark as a police officer.

7. At all times relevant, defendants Tyrone Johnson and Ms. Johnson were private citizens residing in the State of New Jersey.

8. Defendants John Does 1 through 10, Jane Doe 1 through 10, and Corp. ABC through XYZ are fictitious names of other individuals who aided and abetted and/or conspired with defendants to deprive plaintiff of his civil rights.

III. BACKGROUND AND NATURE OF ACTION

9. Plaintiff Jakill Young is an African-American male approximately twenty-five years of age.

10. At all times mentioned herein, the named defendant police officer for the City of Newark was on duty acting under color of law.

11. On or around March 11, 2015, plaintiff was arrested and charged with four counts of first-degree attempted murder, four counts of second-degree aggravated assault, one count of conspiracy, and two second-degree weapon related charges in connection with a shooting incident that occurred on July 26, 2014, wherein defendant Tyron Johnson was the alleged victim.

12. Plaintiff was incarcerated the Essex County Correctional Facility for 14 months before charges were dismissed on motion of the prosecutor subsequent to a Wade hearing that never took place.

13. According to the Essex County Prosecutor’s Office continuation report dated April 4, 2016, defendant was identified by the victim Tyron Johnson as the person who attempted to murder him on the day of the incident.

14. The continuation report further indicated that the identification of defendant was obtained by defendant Sgt. Ramsey who had responded to a report from Tyron Johnson’s wife defendant Ms. Johnson. According to the report, Ms. Johnson complained to the police that an individual wearing a blue North Face was hanging in the neighborhood making her and her

children feel unsafe.

15. According to the report, officers then found an arrest report under plaintiff's name from August 20, 2014, in the same area as the incident involving the shooting incident that had occurred on July 26, 2014. Thereafter, Sgt. Ramsey used his cell phone to text Ms. Johnson a single picture of plaintiff. From that picture, Ms. Johnson identified plaintiff has the person who made her feel unsafe.

16. Thereafter, Sgt. Ramsey put the same photograph that he had text to defendant Ms. Johnson in a photo array that he then showed to Ms. Johnson's husband defendant Tyrone Johnson. Thereafter, Tyrone Johnson identified plaintiff as the person who shot at him with respect to the July 26th incident.

17. Prior to texting plaintiff's photo to Ms. Johnson, neither Sgt. Ramsey nor any other member of the Newark Police Department had any information whatsoever indicating that defendant was involved in the July 26th incident. By texting plaintiff's picture to Ms. Johnson, Sgt. Ramsey conducted an improper and suggestive photo identification process. As a result, Ms. Johnson improperly identified plaintiff as the person who made her feel unsafe.

18. Thereafter, Sgt. Ramsey used the same photograph of plaintiff that he had previously text to Ms. Johnson to include in a photo array that was shown to her husband Tyrone Johnson in connection with the shooting incident. Sgt. Ramsey conducted an improper and suggestive photo identification

process that resulted in the misidentification of plaintiff.

19. Defendants Tyrone Johnson and Ms. Johnson never appeared at the scheduled Wade hearing plaintiff requested in order to contest their identification of him. Plaintiff's criminal case was dismissed shortly thereafter by the Essex County Prosecutor's Office, and plaintiff was released from jail after 14 months.

IV. INCORPORATION OF ALLEGATIONS

20. All of the allegations in each of the foregoing paragraphs are incorporated by reference into each of the following claims for relief as if fully set forth in each such claim.

21. Defendant timely filed a Notice of Tort Claim Act.

V. CLAIMS FOR RELIEF

A. FIRST CLAIM FOR RELIEF

(false imprisonment and false arrest)

22. The defendant's actions in arresting plaintiff absent probable cause constituted false arrest and false imprisonment. Defendants actions were further committed with malice, willfulness, and a reckless and wanton disregard for the rights of plaintiff under both federal and state law. Plaintiff was further falsely charged with serious first degree crimes to include attempted murder. The identification procedure utilized by Sgt. Ramsey was highly suggestive, which resulted in the misidentification of plaintiff by the

defendant Johnsons. The defendant Johnsons knew that they misidentified plaintiff in that they failed to appear at the Wade hearing proceeding.

23. As a proximate result of defendants' actions, plaintiff has sustained permanent injuries to include the loss of his liberty for 14 months. These injuries have caused and will continue to cause plaintiff great pain and suffering, both mental, emotional and physical.

WHEREFORE, plaintiff requests judgment against defendants for compensatory and punitive damages, together with attorney fees and costs of suit and any other and further relief as the Court allows.

B. SECOND CLAIM FOR RELIEF

(breach of duty)

24. Sgt. Ramsey breached his duty owed to plaintiff to conduct a proper investigation before arresting defendant absent probable cause. Sgt. Ramsey breached that duty by utilizing an improper identification procedure that resulted in plaintiff arrest absent sufficient probable cause. Based on the totality of these circumstances, no reasonable police officers would have made an arrest based on such a suggestive identification process.

25. As a result of the foregoing deprivations, plaintiff has been permanently injured, damaged or otherwise harmed and unlawfully, which has caused him and will continue to cause

him to suffer anxiety, humiliation, embarrassment, mental anguish and psychological damages.

WHEREFORE, plaintiff requests judgment against defendants for compensatory and punitive damages, together with attorney fees and costs of suit and any other and further relief as the Court may deem proper and just.

C. THIRD CLAIM FOR RELIEF

(Municipal Liability-federal and state)

26. Defendant City of Newark, in violation of 42 U.S.C. §1983, and state negligence laws, failed in its duty to plaintiff to adequately train, and supervise Sgt. Ramsey, who arrested plaintiff absent probable cause and pursuant to a suggestive identification process and who at all times was acting within the scope of his employment and pursuant to a municipal custom or policy, so as to prevent the violation of the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, the laws of the State of New Jersey, and the New Jersey State Constitution. Such a failure on the part of defendant City of Newark amounted to a deliberate indifference to the constitution rights of plaintiff.

27. With respect to the City of Newark, plaintiff alleges that the Newark Police Department has established a pattern of allowing its officers to violate the constitutional rights of its citizens. According to an Investigation of the Newark

Police Department conducted by the United States Department of Justice Civil Rights Division and United States Attorney's Office District of New Jersey dated July 22, 2014, inadequate training and supervision by the Newark Police Department contributed to a pattern of constitutional violations.

28. Defendant City of Newark is also liable to plaintiff under a of respondeat superior, and directly liable to plaintiff under § 1983 for implementing a policy, followed by the defendant officer, which lead to the deprivation of plaintiff's liberty in violation of the Fourteenth Amendment and his rights guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

29. As a result of the foregoing deprivations, plaintiff has been permanently injured, damaged or otherwise harmed and unlawfully, which has caused him and will continue to cause him to suffer anxiety, humiliation, embarrassment, mental anguish, and permanent psychological damages.

WHEREFORE, plaintiff requests judgment against defendants for compensatory and punitive damages, together with attorney fees and costs of suit and any other and further relief as the Court may deem proper and just.

D. FOURTH CLAIM FOR RELIEF

(Infliction of Emotional Distress)

30. All named defendants who falsely arrested and imprisoned plaintiff absent probable cause and subjected him to a

suggestive identification procedure negligently or intentionally subjected plaintiff to emotional distress.

31. As a result of the foregoing deprivations, plaintiff has been permanently injured, damaged or otherwise harmed and unlawfully, which has caused him and will continue to cause her to suffer anxiety, humiliation, embarrassment, mental anguish, and psychological damages.

WHEREFORE, plaintiff requests judgment against defendants for compensatory and punitive damages, together with attorney fees and costs of suit and any other and further relief as the Court may deem proper and just.

E. FIFTH CLAIM FOR RELIEF

(Malicious Prosecution-federal and state claim)

32. All of the named defendant officers with actual malice, instituted a Criminal action against plaintiff, absent probable cause for the proceeding, and said proceeding terminated favorably to plaintiff. Thus, defendants are liable to plaintiff, under 42 U.S.C. § 1983 and state law, for malicious prosecution.

33. As a result of the foregoing deprivations, plaintiff has been permanently injured, damaged or otherwise harmed and unlawfully, which has caused him and will continue to cause her to suffer anxiety, humiliation, embarrassment, mental anguish and psychological damages.

WHEREFORE, plaintiff requests judgment against defendants for compensatory and punitive damages, together with attorney fees and costs of suit and any other and further relief as the Court may deem proper and just.

F. SIXTH CLAIM FOR RELIEF

34. Defendant (s) John Does and Jane Does are fictitious names intended to identify any and all parties, including individuals, corporations and/or entities whose identities are presently unknown to plaintiff, who together with the named defendants were responsible for the deprivation of plaintiff's rights as guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, the New Jersey State Constitution and state law, and in violation of 42 U.S.C. §§ 1983.

WHEREFORE, plaintiff requests judgment against defendants for compensatory and punitive damages, together with attorney fees and costs of suit and any other and further relief as the Court may deem proper and just.

JURY DEMAND

Pursuant to R. 38 of the Federal Rules of Civil Procedure, plaintiff demands a jury trial on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Cynthia H. Hardaway, Esq. is hereby designated as trial counsel.

CERTIFICATION

Counsel certifies that this pleading is presented in compliance to R. 11 of the Federal Rules of Civil Procedure.

CYNTHIA H. HARDAWAY, ESQ.
Attorney for Plaintiff
Jakill Young

/s/Cynthia H. Hardaway

DATED: March 10, 2017